IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

Chamber Summons No.1328 of 2006
in
Summ.Suit No. 1747 of 1988

Dipak Ratansi ...Plaintiff

vs.

M/s Texway Traders & Ors. ..Defendants

Mr.H.J.Engineer for plaintiff
Mr.Raji Radhakrishnan i/b Inda Law Alliance for defendant no.2.

CORAM: S.C.DHARMADHIKARI J.
2nd July, 2007

P.C.

1. This is a chamber summons by the original plaintiff for amendment of the plaint.

2. Mr.Engineer, learned Counsel appearing for the plaintiff submits that defendant no.1 was the partnership firm and defendant nos. 2 and 3 were the partners of defendant no.1. However, the defendants' Advocates by their letter dated 14th June, 2006 informed the plaintiff's Advocate that defendant no.1 is no more a partnership firm. After the death of one of the partners (defendant No.3), now it is a sole proprietory concern of defendant no.2.

3. After the correspondence was exchanged between the

parties it was revealed that defendant no.1 is now the sole proprietory firm of defendant no.2 and the present chamber summons was taken out for amendment.

4. Defendant nos. 1 and 2 have been duly served with the chamber summons and they have no objection to the same being made absolute. Even otherwise, the correspondence by the defendants' Advocate itself will reveal that the partnership is no long in existence. The chamber summons is, therefore, made absolute in terms of prayer clause (a). Amendment to be carried out within a period of two weeks from today. Copy of the amended plaint be served on the defendants within a period of one week thereafter.

5. S.O. for three weeks.

(S.C.DHARMADHIKARI J.)